

## REMARKS

Claims 1-37 are pending in the present application. Claim 1 has been amended. No new matter has been added. Applicant respectfully requests reconsideration of the claims in view of the following remarks.

Claims 13-18 have been rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. Applicant respectfully traverses this rejection.

Claim 13 recites, “each set of search parameters is assigned a common reference number, and a corresponding set of search results for each set of search parameters is stored with the same common reference number.” The Examiner states:

each set of search parameters or more specifically a group of hypotheses is not assigned a **common** reference number but a different reference number for each group. Therefore, it would be unpredictable to practice Applicant’s claimed invention and therefore require an undue amount of experimentation to make and used the claimed invention.

(Office Action, page 3 (emphasis in original).) Applicant disagrees that it would require undue experimentation to make and use the claimed invention. The specification, in fact, recites a concrete example of this claim element:

As they are written to the parameters partition 320, each group of hypotheses can be assigned a reference number that can be used for future reference to each group. For example, a group written to record # 1 322 may be assigned a reference number one (1). This reference number can then be used to read the parameters for the group from the parameters partition 320.

After a group of hypotheses is read from the parameters partition 320 and the searcher 305 performs a search using the hypotheses, the results of the search can be written back to the memory 315. The results of the search can be stored (using the reference number assigned to the group of hypotheses) in the results partition 325. For example, results from the search performed using the group of hypotheses stored in parameters partition record # 1 322 can be stored in results partition record # 1 327.

(Specification, paragraphs [0038] and [0039].)

According to the M.P.E.P., “[a]s long as the specification discloses at least one method for making and using the claimed invention that bears a reasonable correlation to the entire scope of the claim, then the enablement requirement of 35 U.S.C. 112 is satisfied.” (M.P.E.P. § 2164.01(b), citing *In re Fisher*, 427 F.2d 833, 839, 166 U.S.P.Q. 18, 24 (C.C.P.A. 1970).) Applicant respectfully submits that the specification clearly discloses a method that bears a reasonable correlation to the entire scope of the claim. Applicant, therefore, respectfully submits that independent claim 13 and its dependent claims 14 -18 are in compliance with 35 U.S.C. § 112, first paragraph.

Claims 1-12 have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant respectfully traverses this rejection. Claim 1 has been amended to recite “assigning each hypothesis from selected ones of the group of hypotheses to a respective correlator.” In particular, the term “group of hypotheses” has its antecedent basis in line 3 of claim 1. Applicant, therefore, respectfully submits that independent claim 1 and its dependent claims 2-12 are in compliance with 35 U.S.C. § 112, second paragraph.

Claims 1-17, 19-27 and 30 have been rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Publication No. 2003/0012312 to Gerhards, et al. (hereinafter “Gerhards”); claims 18, 28 and 29 have been rejected under 35 U.S.C. § 103(a) as assertedly being unpatentable over Gerhards; and claims 32, 33 and 36 have been rejected under 35 U.S.C. § 103(a) as assertedly being unpatentable over Gerhards in view of U.S. Patent Publication No. 2002/0067762 to Neufeld, et al. (hereinafter “Neufeld”). Applicant respectfully traverses these rejections.

Claim 1 recites, “generating a group of hypotheses from the sets of search parameters, after reading the sets of search parameters.” Gerhards does not teach or suggest this limitation. As shown in Figures 3A-3B, Gerhards discloses transferring an individual set of search parameters, starting the searcher hardware (Blocks 102 and 118), and processing the search results (Blocks 106, 108, 110 and 112). According to Gerhards, the reading, searching and processing proceed in a loopwise manner. (See Gerhards, paragraph [0060].) Gerhards does not teach or suggest reading “sets” of search parameters; in fact, Gerhards does not disclose reading more than one set of search parameters in an attempted acquisition. Rather, whenever a new set of search parameters are needed, processor 76 puts “new search parameters in the batch buffer” and starts search 24. (Gerhards, paragraph [0060].) Claim 1, on the other hand, requires generating a group of hypotheses from the sets of search parameters after reading the sets of search parameters.

In the Response to Arguments Section of the Office Action, the Examiner states:

Applicants have submitted that Gerhards fails to teach or suggest reading sets of search parameters where Gerhards does not disclose reading more than one set of search parameters in an attempted acquisition.

Examiner submits that Gerhards as cited above in the rejection of the claim, discloses of more than one set of search parameters (#118, Fig.3B) in an attempted acquisition in order to search the entire window, where each group of hypotheses corresponds to a given set of search parameters.

(Office Action, page 17.) Applicant submits, however, that the loopwise performance of Gerhards teaches against generating a group of hypotheses from the sets of search parameters, after reading the sets of search parameters. According to Gerhards,

Once the predefined number of maximum correlation values (i.e., four), have been loaded into the maxdata/index buffer 70, block 116 directs the processor circuit 76 to determine whether the entire search window (60 chips) has been searched. If not, then block 118 directs the processor circuit 76 to put new search parameters in the batch buffer 66 to transfer these values to the hardware

registers 56, 58, 60 and to start the searcher 24 using the go signal 52. Effectively, a loop is formed by blocks 104 and 118 to produce the first set of correlation values and associated times.

(Gerhards, paragraph [0060].) Essentially, Gerhards teaches loading a single set of search parameters every time a new search is to be performed. Even if block 118 of Gerhard could be construed to teach more than one set of search parameters, the loopwise structure of Gerhards' process only allows for a single set of search parameters to be loaded then executed at a time. The limitation of claim 1 of generating a group of hypotheses from the sets of search parameters, after reading the sets of search parameters, therefore, cannot read on Gerhard. Applicant, therefore, respectfully submit that claim 1 is allowable over the prior art of record.

Claims 2-12 and 31-37 depend from claim 1 and add further limitations. It is respectfully submitted that these dependent claims are allowable by reason of depending from an allowable claim as well as for adding new limitations.

Claim 13 recites, "a memory to store a plurality of sets of search parameters and search results, wherein each set of search parameters is assigned a common reference number, and a corresponding set of search results for each set of search parameters is stored with the same common reference number." The Office Action states,

Gerhards discloses: a memory to store sets of search parameters and search results (*a set of search parameters for each search*), wherein each set of search parameters is assigned a reference number (*first* and *second* search and a set of search results for a set of search parameters is stored with the same reference number (*first* and *second* sets (correlation values and associated indices), Abstract, Lines 13-16).

(Office Action, page 8 (emphasis in original).) Gerhards does not teach or suggest each set of search parameters is assigned a common reference number, and a corresponding set of search results for each set of search parameters is stored with the same common reference number.

Rather, Gerhards teaches producing "a first set of correlation values and associated times" and

producing “a second set of correlation values and associated times.” (Gerhards, Abstract.)

Gerhards does not teach or suggest that a set of search parameters is assigned a common reference number, nor does Gerhards teach or suggest a corresponding set of search results for each set of search parameters is stored with the same common reference number. The Abstract of Gerhards merely discusses the results of the search and not the parameters of the search. Applicant, therefore, respectfully submits that claim 13 is not anticipated by the prior art of record.

Applicant further notes that the Examiner did not consider or discuss the limitation of claim 13 of a common reference number in the 102(e) rejection. According to the M.P.E.P., “[a]ll words in a claim must be considered in judging the patentability of that claim against the prior art.” (M.P.E.P. § 2143.03, citing *In re Wilson*, 424 F.2d 1382, 1385, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970).) Applicant, therefore respectfully requests that the Examiner consider all limitations of claim 13 and issue a non-final Office Action if the subject matter of claim 13 is not found to be allowable.

Claims 14-18 depend from claim 13 and add further limitations. It is respectfully submitted that these dependent claims are allowable by reason of depending from an allowable claim as well as for adding new limitations.

Claim 19 recites, “a processing unit coupled to the ADC, the processing unit containing circuitry to store together a plurality of dependent sets of search parameters, search results, and test hypotheses derived from the sets of search parameters.” The Office Action rejects claim 19 by stating:

Gerhards discloses ... a processing unit coupled to the ADC, the processing unit containing circuitry to store together a plurality of dependent sets of search parameters (first search parameters (0056) and new search parameters, [0060]) and search results (*first and second sets of search results*, Abstract), test

hypotheses derived from the sets of search parameters ([0007], [0060], Fig.1, 3A and 3B.)

(Office Action, page 10 (emphasis in original).) In the rejection, the Examiner equates “first search parameters” and “new search parameters” with the claimed plurality of dependent sets of search parameters. Gerhards, however, does not teach or suggest that these search parameters are necessarily dependent sets. (See Gerhards, paragraphs [0056] and [0060].)

The Response to Arguments section of the Final Office Action states:

Applicants have submitted that Gerhards fails to teach of a processing unit containing circuitry store together a plurality of dependent sets of search parameters and search results as required by Claim 19.

Examiner submits that the processor (#76) outputs the sets of search parameters which are stored in the same memory (batch buffer) ([0060] and the dependent sets of search results are stored in the SRCH-O/P buffer).

(Office Action, page 17.)

As is discussed hereinabove with respect to claim 1, Gerhards discloses reading, searching and processing proceeds in a loopwise manner. (Gerhards, paragraph [0060].) When new sets of search parameters are needed, processor 76 puts “new search parameters in the batch buffer” and starts search 24. (Gerhards, paragraph [0060].) Furthermore, Gerhards teaches “a batch buffer 66 for holding variables which are to be transmitted from the microprocessor 22 to the controller 26.” (Gerhards, paragraph [0048].) Gerhards, however, does not teach or suggest that search results and test hypotheses derived from the sets of search parameters are also stored in batch buffer 66. In fact, as noted by the Examiner, search results are stored in search output buffer 68 (and not batch buffer 66). (See Gerhards, paragraph [0059].) Applicant, therefore, respectfully submits that claim 19 is allowable over the prior art of record.

Claims 20-30 depend from claim 19 and add further limitations. It is respectfully submitted that these dependent claims are allowable by reason of depending from an allowable claim as well as for adding new limitations.

Applicant has made a diligent effort to place the claims in condition for allowance. However, should there remain unresolved issues that require adverse action, it is respectfully requested that the Examiner telephone Ronald O. Neerings, Applicant's Attorney, at 972-917-5299 so that such issues may be resolved as expeditiously as possible. No fee is believed due in connection with this filing. However, should one be deemed due, the Commissioner is hereby authorized to charge, or credit any overpayment, Deposit Account No. 20-0668.

Respectfully submitted,

November 19, 2008  
Date

SLATER & MATSIL, L.L.P.  
17950 Preston Rd., Suite 1000  
Dallas, Texas 75252  
Tel.: 972-732-1001  
Fax: 972-732-9218

/Benjamin E. Nise/  
Benjamin E. Nise  
Attorney for Applicant  
Reg. No. 55,500